

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Petitioner received case management services from the Division of Vocational Rehabilitation (VR). VR works in partnership with the Department when the Reach Up recipient has disabilities.

3. Dawn Peeters, VR counselor, was assigned to petitioner's case during December 2005. Based on petitioner's request, petitioner received home visits from Peeters.

4. VR uses their Individual Plan for Employment (IPE) in place of the Department's Family Development Plan. An IPE was signed on May 25, 2006 identifying cleaning as the employment outcome. Petitioner's requirements under the plan included keeping appointments, calling to reschedule appointments if she was unable to attend an appointment, and to find daycare.

5. During the time period of January 2006 through September 7, 2006, Peeters scheduled 14 meetings with petitioner. Petitioner attended four appointments, called to reschedule 6 appointments, and was not present for four appointments.

6. Peeters requested a sanction from the Department after petitioner missed her September 7, 2006 appointment. The notification of the September 7 appointment was sent to petitioner's home address. Before requesting the sanction, Peeters determined that petitioner's disability did not play a part in petitioner's missed appointment.

7. Petitioner claimed that she did not receive the notification of the September 7, 2006 appointment. She admitted that she missed other appointments.

8. Petitioner called Peeters on September 11, 2006 with a request under her IPE.¹ Peeters asked petitioner about the missed appointment and was told that petitioner's mother had opened her mail and given her incorrect information about her appointments.

9. Petitioner's past history with the Department includes (1) four conciliations during July 2003, October 2003, February 2004 and December 2004 and (2) two sanctions of one month each during February 2005 and May 2005.

10. Petitioner is currently working with a new case manager to cure her sanction.

ORDER

The Department's decision is affirmed.

REASONS

As part of the Reach Up program, petitioner has certain obligations including compliance with the components of her

¹During the September 11 telephone call, Peeters forgot that she requested the sanction and misinformed petitioner about the status of the sanction. Peeters corrected this information with petitioner on September 13, 2006.

family development plan or IPE. Welfare Assistance Manual (W.A.M.) § 2370. W.A.M. § 2370.1 details types of noncompliance. Failure to attend or participate in family development plan activities is an example of noncompliance.

Petitioner's history is replete with examples of not attending scheduled appointments. Because petitioner has met the limit of two conciliations within a sixty month period, petitioner faces sanctions. W.A.M. §§ 2371, 2372.

Based on the evidence from the hearing, the Department had cause to seek a sanction based on the petitioner's noncompliance with the requirements of her plan. Accordingly, the Department should be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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